Scott. II-37—45,000—15-11-36.

Home

(1936) Department.

MK SERIES.

Letter
~~G.O.~~ No. 1474

DATED 25 " 36

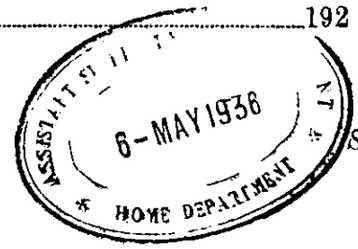
[Despatch Abstract.]

Establishment - T.C. vacancy by yr - Head Clerk
Dr Court, South Canara - Spl pay to
Typewriting - Continuance of Allowance
Ruling passed

C F. 30.

DEPARTMENT.

Received ..... 192 . *Registered* Home 628 E 192 .
6.5.36.



Subject.

ENCLOSURES.
No .....
.....
Spare copies.....

R.O.C. No. 1552/36 D.2

Station Madras , *Dated the* 5th May 193 ~~192~~ .

From (Name) G.S.White, Esquire, (Solicitor),
(Designation) Registrar, High Court, Madras.

To The Secretary to the Government of Madras,
HOME Department.
(with enclosures)

Sir,

Pay - Special for typewriting - Permission to continue the drawal of - by T.C.Anantha Aiyar Head Clerk - District Court, South Kanara.

I am directed to forward herewith a copy of letter Dis.No.2446 dated 17th April 193[illegible] from the [illegible] of South Kanara and the enclosures thereto in original and to request that the Government may be pleased to issue decision on the points raised by the [illegible] in his letter referred to above.

I have the honour to be,
Sir,
Your most obedient servant,

[signature]
Registrar.

14 2 Supdt

Copy of letter No.Dis.2446 dated 17th April 1936 from the District Judge, South Kanara to the Registrar, High Court, Madras.

In forwarding herewith for favourable consideration an application of T.C.Anantha Aiyar, Head Clerk of this Court, to permit him to continue to draw the special pay of Rs.10/- for advanced typewriting qualification which he has been drawing till last December but which has been withheld by me since then pending reference to the High Court on the objection raised by the Accountant General in his letter No.Jus 771/193 dated 17-12-1935 that under G.O.No.1549 Public (Services) dated 23-9-19? whether T.C.Anantha Aiyar could draw the special pay in the form of personal pay (under para 2 of G.O.No.783 Public (Services) dated 20th September 1933) even on promotion to the posts of Head Clerk and Sheristadar without the personal pay being absorbed in increments accruing in the higher posts (Vide Enclosure III to the petition), I have the honour to state that his case is covered by the 2nd para of para 2 of G.O.No.234 Public (Services) dated 30-1-1936 as G.O.No.3172 Law (Gener dated 13-11-1924 under which the special pay of Rs.10/- was sanctioned to him does not specify any particular post to which it is attached but simply says that the special pay can be drawn subject to the condition that he is actually engaged in type-writing. So under G.O.No.234 Public (Services) dated 30-1-36 he is entitled to draw the special pay even on promotion to higher posts without the same being absorbed in increments I request therefore that the High Court may be pleased to permit him to draw the special pay without the same being absorbed in increments as Head Clerk in the time scale of Rs.125-5-150, provided he is actually engaged in typewriting, having regard to the fact that he has been drawing the special pay in the upper grade since 1927 even prior to the abolition of the special pay under G.O.No.130 Public (Services) dated 15-2-1928 and that he has already drawn four increments as Head Clerk without any objections being raised by the Accountant General.

Copies of correspondence with the Accountant General in this matter are herein enclosed and no reply has been received till now for the reference D.No.1767 dated 10-9-1935.

I also solicit the orders of the High Court whether the special pay for shorthand and typewriting may not be taken into account in

calculating average pay for purposes of leave in vi . of the fact that "Pay" as defined in the Fundamental rules includes also "Special pay".

csi

4

To

The Registrar or the High Court of
Judicature,
Madras.

Through

The District Judge of
South Kanara.

Humble petition of T.C.Anantha Aiyar,
Permanent Head Clerk, District Court,
Mangalore. dated the 9th March 1936.

Respected Sir,

I beg to place the following facts for the kind consideration of the High Court and for favourable orders --- regarding the special pay of Rs. 10 which I have been drawing since October 1923 up to December 1935 and which has -- now been withheld since December 1935 pending reference to the Government under circumstances set forth below.

(4)

Prior to my transfer to the District Court in October 1924 I was the permanent Typist and Shorthand writer of the Sub Court, Mangalore. I passed the Advanced grade in Typewriting in 1923 and the Government sanctioned the grant of a special pay of Rs. 10 to me in G.O.No. Mis. 2523 Law (General) dated 19-10-1923 for the advanced qualification in Typewriting subject to the condition that I am actually engaged in type-writing (Vide enclosure I).

In October 1924 I was taken to the District Court as a clerk and shorthand writer in the vacancy caused by the retirement of the permanent incumbent. As there was a change of office the High Court was addressed in District Court letter D. No. 4093 dated 4-10-1924 to move the --- Government for necessary sanction to enable me to -----

continue to draw the special pay of Rs. 10/- and the Government in G.O.No.3172 Law (General) dated 13-11-1924 permitted me to continue to draw the special pay of Rs.10/- for advanced typewriting subject to the same condition as before that I am actually engaged in typewriting (Vide Enclosure II). The wording of the G. O. is as follows:- "Sanction is accorded to the grant of a special of Rs. 10/- per mensem for ---- advanced qualifications in type-writing to T. C. Anantha Aiyar, Shorthand writer of the District Court of South Kanara subject to the condition that he is actually engaged in --- typewriting. x x x x "

I continued as clerk and shorthand writer till --- March 1927 when I was promoted as Record Keeper in the time-scale of Rs. 60-4-80 and allowed to continue as shorthand writer also. I continued as Record Keeper and shorthand writer till 16th January 1932 when I was promoted as Head Clerk of the District Court on the time-scale of Rs.125-5-150 and was drawing the special pay for type-writing all the while. Though I ceased to be shorthand writer from 16-1-32, yet in view of G.O.No.3172 Law (General) dated 13-11-1924 that I could draw the special pay subject to the condition that I am actually engaged in typewriting and in view of G.O.No.130 Public dated 15-2-1928 by which the special pay was converted into personal pay in the case of those who were already drawing it on 15-2-1928, I was ordered by His Honour Mr. N. Chandrasekhara Aiyar, the then District Judge to continue to do typewriting as I was in the sole charge of a typewriter and permitted to draw the special pay of ---- Rs. 10. I have since then been not only doing all the --- typing work connected with the Head Clerk's branch including the typing of decrees and orders in suits, appeals and proceedings but also my services were being utilised off and on for shorthand work when there was pressure of work and has been drawing the special pay of Rs.10 with the certificate

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"that T.C.Anantha Aiyar has been actually engaged in typewriting during the month" being added in the pay bill ever since, without any objection being raised by the Accountant General so far as my knowledge goes. After I became the Head Clerk the Accountant General even asked for copies of the G. Os sanctioning my special pay for typewriting and the same were supplied to him. Even then no objection appears to have been raised to my drawing the special pay of Rs. 10. In this connection I beg to submit that every year a list of persons drawing the special pay for typewriting is also submitted to the High Court.

I worked during the recess for a number of years under orders of court and as such I am entitled to compensation leave on full salary. Though "pay" includes special pay also according to Fundamantal Rules, yet in view of the fact that a certificate is attached to every pay bill for drawing the special pay, I was doubtful whether in calculating full average pay the special pay of Rs. 10 for typewriting could be taken into account or not. So I put in a petition to the Accountant General through my superior officer in November last asking his opinion whether in calculating average full salary the special pay of Rs. 10 and the acting allowance of Rs. 10 drawn by me when I officiated as Sheristadar of the District Court from 13-3-1935 to 18-4-1935 and from 3-9-1935 to 2-10-1935 could be taken into account or not, in case I were to go on leave. It is in reply to my said petition the Accountant General in his letter to the District Judge No. Jus. 271 dated 17-12-1935 (copy submitted Enclosure III) raises the objection that in view of G.O. No. 1549 Public (Services) dated 20-9-1935 it is doubtful whether I could continue to draw the personal pay even on promotion to the post of Head Clerk and Sheristadar without the personal pay being absorbed in increments and states

that the Government might desire to revise the order in G.O. No. 3172 dated 13-11-1934 Law (General) under which the special pay was sanctioned to me and asks the District Judge to move the Government in the matter placing all the facts before them in this connection.

In this connection I beg to submit that G. O. No. 1549 Public (Services) dated 23-9-1935 will apply only to those to be promoted hereafter from the lower to the upper grade and will not apply to me as I have been in the upper grade since March 1927 even before the abolition of the special pay for typewriting. G.O.No.783 Public (Services) dated 20-9-1933 or for the matter of that any G.O.regarding the special pay for type-writing is silent as regards the absorption of the same in increments when one is promoted from the lower to the upper grade. On the other hand the said G.O.No.783 distinctly says that under Rule 37 of the Fundamental Rules the ~~special~~ personal pay shall not be absorbed in increments.

I have been in the upper grade on Rs.60-4-80 since March 1927 as Record Keeper of the District Court and as -- Head Clerk on the time-scale of Rs. 125-5-150 since January 1932 and have already drawn three increments and the fourth increment from Rs. 140 to Rs. 145 was also drawn by me from the 5th of last month and have been drawing the special pay with the usual certificates till 1st December 1935 without any objections being raised by the Accountant General. Had it not been for my petition of last November to the Accountant General he would perhaps not have raised any objections to my drawing the special pay and in the natural course of events I would have drawn it from December onwards also. But in view of the Accountant General's doubt as regards the ---- drawing of the special pay by me in the face of the Government Order of 1935 referred to above, and in view ----------

of his opinion that the matter should be referred to Government, my special pay has been withheld by the District Judge since December 1935 pending a reference to the High Court in the matter. I am therefore constrained to submit this petition as it is hard to deprive me of the special pay at this stage as I intend to retire from service in a year or two and that in case I retire I will be deprived of a portion of my pension on that special pay.

G. O. No. 234 Public (Services) Department dated 30th January 1936 states that in certain offices the special pays for typewriting have not been attached to particular -- posts and only the number of special pays admissible in the office has been fixed. In such cases persons who are eligible for the special pays under G.O.No.130 Public dated 15-2-1928 will continue to draw it as special pay so long as they are engaged in typewriting work irrespective of the -- post which they may be holding provided however that the -- total number of special pays for the office is not exceeded and that the personal pay will not be aborbed in increments. I beg to submit that the above is applicable in my case as G. O. No. 3172 Law (General) dated 30-11-1924 under which the special pay was sanctioned to me does not specify any particular post. The said G. O. No. 234 dated 30-1-1936 requires the heads of departments to furnish a list to the Accountant General of cases in which the typewriting special pay has been attached to specific posts and in which the special pays have not been so attached to particular posts and only number of special pays has been fixed.

I therefore most humbly and respectfully beg to submit that the High Court may be pleased to include my -- name in the list of special pays attached to this offices

but not to specific posts and to permit me to continue to draw the special pay of Rs. 10/- having regard to the fact that I have been drawing the same in the upper grade since 1927 without the same being absorbed in increments.

I beg to remain,

Respected Sir,

Your most obedient servant,

J. C. Anantha Ayar
Head clerk

Enclosure No. I.

Proceedings of the HighCourt of Judicature at Madras.

Read G.O. Misc. 2523 Law General, dated 19th October 1923.

Read the following papers;-

From the Registrar, HighCourt, R. O.C. No. 2262/23, dated 12th September 1923.

Do. R.O.C. No. 2361/23 dated 19-9-23.

O r d e r;- Sanction is accorded to the grant of a special pay of Rs. 10/- per mensem for advanced qualification in Typewriting to each of the persons noted below, employed in the courts mentioned against their names, subject to the condition that they are actually engaged in typewriting. The special pay should be drawn only from the date of this order.

x	x	x	x
x	x	x	x
T.C. ANANTHA Aiyar	Typist	Sub Court	Mangalore.
x	x	x	x
x	x	x	x
x	x	x	x

2. The reappropriation statements forwarded by the High Court are sanctioned.

(By order of the Governor in Council)

R.Ramachandra Rao,

Secretary.

Order;- Dis. No. 1825/23, dated 24th October 1923.

Communicated to the District Judges of South Malabar, Chinglepet, South Kanara, Tinnevelly and Kistna.

Sd. Anantanarayana Aiyar,

For Registrar.

(True Extract)

Enclosure No. II.

Proceedings of the High Court of Judicature at Madras.

Read the following G.O. No. 3172 Law (General) dated the 13th November 1924.

Read the following paper;-

From the Registrar, High Court of Judicature, R.O.C.No.

2676/24 dated the 15thOctober 1924.

From the Accountant General, No. S.K.1-450, dated the 30th October 1924.

O r d e r;-

Sanction is accorded to the grant of a special pay of Rs. 10 per mensem for advanced qualification in typewriting to T.C. ANANTHA Aiyar, shorthand writer of the District Court of South Kanara, subject to the condition that he is actually engaged in typewriting. The special pay should be drawn only from the date of this order.

(By order of the Governor in Council)

V.T. Krishnamachariyar,

Ag. Secretary to Government.

O r d e r ;- Dis.No. 2100/24 dated the 21st November 1924.

Communicated to the District Judge, South Kanara with reference to his letter D. No. 4093 dated 3rd October 1924.

Sd. x x x

24-11-24

For registrar

Enclosure No. III.

Copy of letter No. Jus.271, dated 17th December 1935 from the Accountant General, Madras (T. A.D. Section) to the District Judge of South Kanara, Mangalore.

Subject-- Typewriting special pay--Drawal on promotion.

With reference to the petition of Mr. T. C. Anantha Ayyar on the subject indicated above forwarded to this office with your Endt. No. Dis. 6488, dated the 11th November 1935, I have the honour to state that the special pay of Rs. 10/- for typewriting was sanctioned to the Government servant in G.O. No. 3172 Law (General) dated the 13th November 1924 at the time when he held the post of a lower Divi-

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sion clerk. It is doubtful in view of the orders of Government in G.O. No. 1549, Public Services, dated the 23rd September 1935 whether he can continue to draw the special pay in the form of personal pay (under paragraph 2 of G.O.No. 783, Public Services, dated the 20th September 1933) even on promotion to the posts of Head Clerks and Sheristadar without the personal pay being "absorbed"in future increments" occuring in the higher posts. As Government might also desire to review their orders in G.O. No. 3172, Law (General) dated the 13th November 1924 with reference to the post now held by the person concern -ed, I would suggest that the full facts of his case may kind -ly be reported to them to enable them to decide his eligibility for the special pay for typewriting on promotion to the higher posts.

True Copy

J. C. Amarasinghe
Head Clerk.

15

Copy of petition dated 5-11-1935 from T.C. Anantha Aiyar to the Accountant General, Madras through the Dt. Judge, South Kanara, Mangalore.

I am the permanent Head Clerk of the Dt. Court, South Kanara, on the time-scale of Rs. 125-5-150 and am at present drawing a salary of Rs.140/ per mensem plus special pay of Rs. 10 for type-writing. I have been drawing this special pay since October 1923.

I acted as Sheristadar of the Dt. Court on two occasions, viz, once from 13-3-35 to 18- 4- 35 and a second time from 3- 9- 35 to 2-10-35 both days inclusive and during that period I drew a salary of Rs. 150 per mensem besides the type-writing special pay.

Under orders of court I have worked during the summer recess of Sub Court and District Court from 1920 onwards and as such I have to my credit leave on full salary for more than four months.

I am governed by the Fundamental rules and under Fundamental rules pay includes special pay. I request I may be informed whether the special pay of Rs. 10 per mensem for type-writing which I have been drawing and the officiating pay of Rs.10 per mensem drawn by me when I officiated as Sheristadar count for leave salary.

(True Copy)

Asst Commissioner
Dt Sessions Judge
18.6.36

Copy of letter Dis No. 1767 dated 10th March 1936 from the District Judge, South Kanara, Mangalore to the Accountant General, Madras.

Subject- TYpe-writing special pay- drawn on promotion

Ref;- Your letter No' Jus.271 dated 17- 12- 1935.

I have the honour to request you to be so good as to let me know at an early date whether in view of the wording of G.O. No. 3172, Law General, dated 13-11-1924 under which the special pay was sanctioned to T.C. Anantha Aiyar his case is not covered under the 2nd para of para 2 of G.O No. 234, Public Services, dated 30- 1- 1936 as the special pay for type- writing has not been attached to a particular post in this court and whether he cannot be permitted to draw the same on promotion as Head Clerk without the same being absorbed in increments or whether you still hold that the matter should be referred to Government.

--------mmmmm

(True Copy)

District Judge

18.6.36

15

OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS.

Fort St. George, *193*

No.

Enclosures.

Copy of letter No. Jus. 36 dated 17th April 1936 from the Accountant General, Madras, to the District Judge, South Kanara, Mangalore.

Sub:- Type-writing spedial pay drawn by Mr. T.C. Ananta Iyer.

With reference to the correspondence ending with your letter No. Dis. 1767 dated 11-3-1936 on the subject indicated above I have the honour to state that sub para 2 under para 2 of G.O.No. 234 dated 30-1-1936 deals only with type-writing special pays attached to posts and those in which the number of special pays has been specifically fixed in offices. The G.O. does not therefore strictly cover cases like that of Mr. T.C. Ananta Ayyar.

The question of his eligibility for drawing special pay in the form of personal pay even on promotion to the posts of Head Clerk and Sheristadar without the personal pay being absorbed in future increments may be referred to Government in the circumstances set forth in this office letter No. Jus. 271 dated 17-12-1935.

(True copy)

Manager,

Accountant General's Office.

HOME DEPARTMENT.

628 E

From the High Court, R.O.C.No. 1552/36 D-2, dated 5-5-36.

...

Special pay for typewriting - drawal after promotion as Head Clerk.

A.S.

The Hon. the Judges of the High Court have forwarded a copy of the letter from Dt. Judge, South Kanara, and its enclosures, for issuing a ruling on the following points raised by him viz.,

(1) whether Mr.T.C. Ananta Ayyar, Head clerk, Dt. Court, S.Kanara is eligible for a special pay of Rs.10/- a month for typewriting; and

(2) whether the special pay for typewriting may not be taken into account in calculating average pay for purposes of leave in view of the fact that 'pay' as defined in the F.R. includes 'special pay.'

2. The case of Mr.T.C. Ananta Ayyar, in regard to whom thse questions have arisen, is briefly as follows:-

Mr. T.C. Ananta Ayyar was permitted to draw a special pay of Rs.10/- a month for advanced qualifications in typewriting when he was a typist of the Sub Court, Mangalore, subject to the condition that he was actually engaged in typewriting. He was subsequently transferred to the Dt. Court, S.Kanara, from 3-10-24. In G.O.No. 3172 L.G. d. 13-11-24, the Govt. sanctioned the payment of a special pay of Rs.10/- for typewriting to Mr.Ananta Ayyar, as shorthand-writer, with effect from 13-11-24, subject to the condition that he was actually engaged in typewriting. Mr.Ananta Ayyar was appointed as Record Keeper (U.D.Post on Rs.60-4-80) from March 1927 to January 1932. He was subsequently promoted as Head Clerk on Rs.125-5-150. He also acted as Serishtadar, Dt. Court, from 13-3-35 to 18-4-35 and from 3-9-35 to 2-10-35. Even after

promotion

promotion to the higher posts, Mr. Ananta Ayyar was permitted to draw the special pay for typewriting. In 1935, the A.G. raised an objection to the drawal of special pay by Mr.Ananta Ayyar on promotion to the post of Head clerk or Sarishtadar without the personal pay being absorbed in future increments. The A.G. suggested that his case might be referred to Govt. The special pay drawn by Mr. Ananta Ayyar has been stopped since December 1935.

3. Point. (1) WHETHER MR. ANANTA AYYAR IS ELIGIBLE TO DRAW SPECIAL PAY OF Rs.10/- ON PROMOTION AS HEAD CLERK OR AS SARISHTADAR.

Mr. Ananta Ayyar was promoted as Head clerk on Rs. 125-5-150 in January 1932. Under para 2 (second sub-para) of G.O.No.783 Public (Sen.) d. 20-9-33, the special pay of Rs.10/- for typewriting was not to be absorbed in increments. In G.O.No. 1549 Public (ser.) d.23-9-35, the Govt. specifically issued instructions that the special pay for typewriting should be treated as personal pay, if the incumbent on promotion continued to do typewriting work, the personal pay was to be absorbed in future increments under F.R. 37, under this orders. The A.G. was therefore right in raising the objection to the drawal of the special pay by Mr.Ananta Ayyar after the issue of the G.O. But the Dt.Judge quotes sub-para 2 of para 2 of G.O.No.234 Public (ser.) d. 30-1-36, which was subsequently cited mistaking his ground for it, and says that Mr.Ananta Ayyar's case is covered by that sub-para. The A.G. has observed that this sub-para does not apply to the case of Mr.Ananta Ayyar as it deals with typewriting special pays attached to posts and not in which the number of special pays has been specifically fixed in offices. The A.G.'s contention appears to be correct. The question is whether Mr.Ananta Ayyar is eligible to draw the special pay on promotion. G.O.No. 234 Public (services) d. 30-1-36, which superseded the previous orders, deals only with cases where the special

18 JUN 1936 CHIEF SECRETARIAT

Special pays are attached to posts or where the number of special pays is fixed. In the present case, the special pay was not attached to the post. As regards the number of special pays attached, it is not known what t e total number of special pays fixed in the court is, and whether during the time Mr.Ananta Ayyar was drawing the special pay, any other man drew special pay for typewriting also. If any other person drew the special pay also along with Mr.Ananta Ayyar, it does not seem that Mr.Ananta Ayyar can draw the special pay on promotion as Head clerk or Sarishtadar. ~~The G.Os. originally authorising the grant of special pay cannot apply to posts to which he is promoted.~~

4 ~~Item~~ (2) on p.1. ante.

The question whether the special pay will count for purposes of leave salary, will depend upon whether he is eligible for special pay at all. If he is eligible for special pay, it appears that it can be counted for calculation of the leave salary.

5. Submitted that information may be obtained from the High Court as regards A ~~on p.5 ante~~ ~~Submitted that~~ The remarks of the Public (services) Dept. and Finance Dept. may be invited before the information ~~referred to above~~ is obtained.

15.6.36.

16/6

5

18/6.

Pub (Srs) 6940

Public (Services) Dept.

The Accountant General has objected to the drawal by Mr. Ananta Ayyar, Head Clerk of the District Court of South Kanara, of the Special pay of Rs.1 0/- for advanced qualification in typewriting. The Home Department consider that the Special pay was not attached to any particular post and that if no other person in the District Court is drawing the Special pay, Mr.Ananta Ayyar can draw it while holding the post of Head Clerk or Sarishtadar and they propose to obtain information on the above point.

2. In G.O. No. 2523 L.G. dated 19-10-1923 sanction was accorded to the grant of a Special pay of Rs 10/-p.m. for advanced qualification in typewriting to Mr. T.C.Ananta Ayyar, typist, Sub Court, Mangalore, subject to the condition that he was actually engaged in typewriting. When he was transferred to the District Court as Shorthandwriter sanction was accorded to the grant of the special pay to him, subject to the condition that he was actually engaged in typewriting. It will be seen that the Special pay was sanctioned to him while holding the post of typist and shorthandwriter respectively and not to him personally irrespective of the post he might hold. He was not therefore eligible for the special pay on promotion as Head Clerk or Sarishtadar. In G.O. 234 Pub (Ser) dated 30-1-1936 it was ordered that in cases in which special pays were attached to particular posts persons who were in receipt of the special pay on 15-2-1928 would be eligible to draw it only so long as they held the posts to which the type writing Special pay was attached. On promotio

promotion to another post they would lose the allowance if no special pay was attached to the higher post. If, however, they continued to do typewriting work any loss of emoluments should be made good by the grant of personal pay to be absorbed in increments. Mr. Ananta Ayyar's case will be covered by the above orders. He became ineligible to draw the special pay on his promotion to the post of Head Clerk or Sarishtadar. No loss of emoluments is involved and so there is no case for the grant of the special pay as personal pay.

The file may be passed on to Finance.

A.

ASSISTANT SECRETARY TO GOVERNMENT
1-JUL 1936
HOME DEPARTMENT

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Pub(Ens) No 692(0) - 24-6-1936

Fin. E.T.

DEPUTY SECRETARY TO GOVERNMENT
24 JUN 1936
FINANCE DEPT.

Fin. may concur in the view of Pub. expressed at A above.

The case may be returned to Home.

ASSISTANT SECRETARY TO GOVERNMENT
29 JUN 1936
FINANCE DEPT.

Fin No 1895 ET-1 29.6.36

Thro Fin (E.R.)

30.6.36

UNDER SECRETARY TO GOVERNMENT
30 JUN 1936
HOME DEPARTMENT

Home/385E 3.7.36.

6

HOME DEPARTMENT.

A.S.

Please see the Public (Services) and Finance Departments' notes on pp.4-5 ante. A draft letter to the High Court is submitted for approval. Finance may see with reference to para 2 of the draft.

V.T.G.
9-7.

S.M.S.
11-7.

What about amount overdrawn from 1932 when he became Head Clerk.

B.R.
13/7.

A.S.

According to the Public Dept's Note, it appears that there is no objection to drawal of the special pay for typewriting by Mr.Ananta Ayyar on promotion to the post of record keeper which he held from March 1927 to 15-1-32, as there might have been loss of emoluments on promotion to that post. He was apparently doing type writing work there.

2 Mr. Ananta Ayyar was promoted as Head Clerk on 16-1-32. It is not known whether he continued as Head Clerk without break till the 1st December 1935, the date up to which he was given the allowance. If he had continued in the post of Head Clerk since 16-1-32 without a break, he would have drawn as excess pay Rs.465/- till 1st December 1935.

3 In the case of the drawal of special pay by the subordinates in the Judicial Dept. the High Court was asked to send a list of the persons who drew the special pay for typewriting. The list forwarded by the High Court is at pp.11-15 of G.O. No.1877 L.G dated 26-6-34. The Accountant-General certified it as correct. Mr.Ananta Ayyar is mentione

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1494

mentioned in the list. The A.G. apparently considered that the drawal of the special pay by him was correct and did not therefore object to it then. ~~The Dist. Judge also considers that the drawal of the special~~ pay was correct. In the circumstances the recovery of the excess pay may be ~~waived~~ considered if and when the High Courts moved in the matter. In the case of persons mentioned in the margin an excess of pay overdrawn amounting to Rs.282-15-0 and Rs.290/- was waived.

Hon ble Supreme Court at p 139 (B)

p 24

p 49 of 80 No 1082 R -24.3.37 (P)

* Mr.Srikantayya, Clerk, Dt. Munsif's court, Bellary Rs.282-15-0.

Mr.A.P. Arunachalam, clerk, Sub Court, Vizagapatam Rs.290/-

M 19-20 of 80 No 1676 R & (C)

BR 15.7.86.

BR 1677

S

MR 1577

Obviously in connection with a head clerk or Shirastadar who a typist & consequently was not eligible for the allowance. The question of waiver does not arise.

MR 22.7.

A.S.

With reference to correspondence above, it is for orders whether the draft letter to the High Court already put up may issue

BR 22.7.86.

BR 1677

MR 22/7

HOME DEPARTMENT.

Letter No. 1494 dated 25.7.36
Mis.

To

The Hon. the C.J.

High Court, Madras.

Hon.Sir,

Special pay for typewriting - permission to continue ~~to continue~~ the drawal of - T.C. Anantha Ayyar, Head clerk, Dt. Court, South Kanara -Ref: Mr.White's letter ROC No.1552/36 D-2, dated 5-5-36.

.....

In his letter No.Dis.2446 d.17-4-36, a copy of which ~~was~~ has been forwarded to to Govt with the Regr.'s letter cited above, the Dt. Judge ~~of~~ S.Kanara has recommended that T.C. Ananta Ayyar, Head clerk of the Dt.Court, South Kanara, may be permitted to continue to draw the special pay of Rs.10/- for advanced typewriting which, it is stated, ~~that has been~~ he was drawing till December 1935. In support of his recommendation the Dt. Judge has stated that under G.O.No. 234 Public (Services) dated 30-1-36 he is entitled to draw special pay even on promotion to higher posts without the same being absorbed in increments~~s as Head clerk in the time scale of pay Rs.125-5-150~~, provided he was actually engaged in typewriting. I am to say that the special pay of Rs.10/- was sanctioned to T.C.Ananta Ayyar while holding the post of typist and shorthand writer respectively and not to him personally irrespective of the post he might hold. He was not, therefore

eligible

eligible for the special pay on promotion as Head Clerk or Sarishtadar. Under G.O. No. 234 Public (Services) d. 30-1-36, in cases in which special pays were attached to particular posts persons who were in receipt of the special pay on 15-2-28 would be eligible to draw it only so long as they held the posts to which the type-writing special pay was attached. On promotion to another post they would lose the allowance if no special pay was attached to the higher post. If, however, they continue to do typing-work any loss of emoluments will be made good by the grant of special pay to be absorbed in increments. Mr.Ananta Ayyar will be ineligible to draw the special pay on his promotion to the post of Head Clerk or Saristadar, as there was no loss of emoluments ~~in his case~~ on such promotion. ~~he will not be eligible for the grant of a special pay as personal pay~~.

2. The Dt. Judge has also raised the question as to whether the special pay for shorthand and typewriting may be taken into account in calculating average pay for purposes of leave. Under Rule 9(2) and ~~9(21)(a)(ii)~~ of the F.R. special pay may be taken into account for calculating ~~special pay for typewriting or shorthand~~ leave salary. In the case of Mr.Ananta Ayyar, there is no question of the special pay ~~xfx~~ for typewriting being taken into account, as he was not eligible for it.

I have etc.

7.7.36.
11.7.36